

ORDINANCE NUMBER O- 16906 (NEW SERIES)

ADOPTED ON JUL 20 1987

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, DIVISION 2, OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTIONS 103.0200 THROUGH 103.0207.5, AND BY ADDING SECTIONS 103.0200 THROUGH 103.0211, RELATING TO THE OLD TOWN SAN DIEGO PLANNED DISTRICT.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter X, Article 3, of the San Diego Municipal Code be and the same is hereby amended by repealing Division 2, entitled "Old San Diego Planned District," and Sections 103.0200, 103.0201, 103.0202, 103.0202.1, 103.0202.2, 103.0202.3, 103.0203, 103.0203.1, 103.0203.2, 103.0204, 103.0204.1, 103.0204.2, 103.0204.3, 103.0204.4, 103.0204.5, 103.0204.6, 103.0204.7, 103.0204.8, 103.0205, 103.0205.1, 103.0205.2, 103.0205.3, 103.0206, 103.0206.1, 103.0206.2, 103.0206.3, 103.0206.4, 103.0206.5, 103.0207, 103.0207.1, 103.0207.2, 103.0207.3, 103.0207.4 and 103.0207.5.

Section 2. That Chapter X, Article 3, of the San Diego Municipal Code be and the same is hereby amended by adding Division 2, entitled "Old Town San Diego Planned District," and Sections 103.0200, 103.0201, 103.0202, 103.0203, 103.0204, 103.0205, 103.0206, 103.0207, 103.0208, 103.0209, 103.0210 and 103.0211 to read as follows:

DIVISION 2

OLD TOWN SAN DIEGO PLANNED DISTRICT

SEC. 103.0200 PURPOSE AND INTENT

The purpose of the Old Town San Diego Planned District is to replicate, retain and enhance the distinctive character of the Old Town San Diego historic area that existed prior to 1871. The intent is to create an exciting and viable community capitalizing on the area's proud heritage and importance as California's birthplace and first European settlement. Development of land in Old Town San Diego is controlled in this manner in order to develop the unique village character and atmosphere of Old Town San Diego prior to 1871.

Recognizing the physical and functional differences between areas in Old Town, seven subareas within the District have been devised. The purpose and intent of these subareas is as follows:

Single-family - residential subarea to preserve existing single-family homes and low scale development adjacent to Presidio Park.

Multi-family - residential subarea to allow low to medium density development at a small neighborhood scale, along the southeastern hillsides of the community, providing a link to the adjacent Mission Hills residential community. In order to preserve the hillside area, the development standards must prevail over total density for any one site.

Public Properties - are defined as all lands held in public/government agency ownership, within the Old Town San Diego Planned District. These lands are divided as follows:

A. STATE HISTORIC PARK

State Park lands reserved to reflect the character of San Diego from its founding to 1871 by preserving, restoring, and recreating historic sites, structures and activities on the original site of the town.

B. PRESIDIO PARK AREA

City Park lands containing the earliest historic sites that precede the first larger development in Old Town San Diego, and the Serra Museum, which houses many artifacts of early San Diego and the Southwest; also offers both active and passive recreation facilities for use by local as well as City-wide residents, is also located in the Presidio Park area.

C. COUNTY HERITAGE PARK

County Park lands maintained as a preserve for a Victoria Era mini-community in a park-like setting.

D. PUBLIC PARKING

Public Parking A - located on Congress Street allows for continued and future use of the facility as a school (grades K-6) and for future redevelopment of a south-end parking area.

Public Parking B - located on Rosecrans Street allows for future development of a north-end parking area, public park for active sports, and a transit center with accessory retail.

Public Parking C - located on Taylor Street allows for future development of an expanded parking area, in conjunction with the State Historic park and a transit center with accessory retail.

Public Parking D - located on Juan Street allows for maintenance of a surface parking area.

Core - pedestrian commercial subarea intended to compliment the Historic Park with small scale buildings and wide range of pedestrian oriented commercial uses.

Jefferson - mixed-use residential and commercial subarea intended to support the core with medium scale buildings and provide for residential development, while limiting specific commercial use and location.

Hortensia - commercial visitor oriented subarea, which allows residential development of a medium scale identical to the Jefferson subarea.

Rosecrans - commercial visitor oriented subarea, intended to allow medium to large scale buildings and large open space areas, designed to recreate the original river environment.

This Division is in keeping with the objectives and proposals of the Old Town San Diego Community Plan and the City of San Diego Progress Guide and General Plan.

SEC. 103.0201 BOUNDARIES AND SUBAREAS

A. BOUNDARIES

The Old Town San Diego Planned District is within the boundaries of the Old Town San Diego Community Plan Area as

designated on that certain Map Drawing No. C-289.4; filed in the Office of the City Clerk under Document No. 767691 and as amended on that certain Map Drawing No. C-289.5; filed in the office of the City Clerk Document No. 00-16906.

B. SUBAREAS DEFINED

There shall be seven subareas know as Single-family Residential, Multi-family Residential, Public Properties, Core, Jefferson, Hortensia and Rosecrans. The boundaries of the seven Subareas are delineated on that certain map Drawing No. 289.5 located in the office of the City Clerk as Document No. 00-16906.

SEC. 103.0202 ADMINISTRATIVE REGULATIONS

The administrative regulations as specified herein shall apply in the Old Town San Diego Planned District.

A. GENERAL PROVISIONS

1. Chapter X, Article 1, Division 1 (Definitions and Interpretations), and Chapter X, Article 2 (Subdivision) of the Municipal Code shall apply in the Old Town San Diego Planned District. All other Divisions of Chapter X, Article 1, are superseded by the regulations contained within this Division unless otherwise specified.

2. Any permit or license issued or any work within the Old Town San Diego Planned District including erection of any new building or structure, or repainting of exterior surfaces, remodeling or repair, alteration, addition to or demolition of any existing building or structure, or

relocation of any structure into the Planned District, regardless of whether it requires a permit, shall be reviewed by the Planning Director and, as indicated by paragraph B of this section, the Old Town San Diego Planned District Design Review Board.

3. This section does not supersede, change or amend, nor in any way alter the manner, method or requirements of the review procedures for any historical site designated by the Historical Site Board.

B. OLD TOWN SAN DIEGO PLANNED DISTRICT DESIGN REVIEW BOARD

1. Appointments, Terms and Procedures

a. The Old Town San Diego Planned District Design Review Board (hereafter referred to as Board) shall be created to advise the Planning Director as specified in paragraph B.2. of this section. The Board shall be composed of seven members who shall serve without compensation. The members shall be appointed by the Mayor and confirmed by the Council. The members shall serve four-year terms and each member shall serve until his successor is duly appointed and qualified. The members shall be appointed in such a manner that the terms of not more than four members shall expire in any year. The expiration date shall be March 1. During March of each year, the Mayor may designate one member as Chairman; however, in the absence of such designation, the Board shall, on or after April 15, select a Chairman from among its members.

b. All members shall be electors of the County of San Diego at the time of appointment. Members of the Board shall be persons who shall be specifically qualified by reason of training or experience in history, art, architecture, land development, landscape architecture, tourism, planning, or other relevant business or profession able to judge the aesthetic effects of a proposed development. Three persons who are property owners in the Old Town San Diego Community Planning Area shall be appointed as members of the Board. At least one member of such Board shall be a registered architect in the State of California and at least two members shall be members of the Old Town Community Planning Committee. At least one member shall be a business licensee, and one member shall be a resident within the Old Town San Diego Community Planning area.

c. A Board member shall be replaced if the member has three unexcused consecutive absences.

d. Four members shall constitute a quorum for the transaction of business and a majority vote; and not less than four affirmative votes shall be necessary to make any Board decision. The Board may adopt rules of procedure to supplement those contained within this Division.

e. The Planning Director or designee shall serve as Secretary of the Board as an ex-officio member. The Secretary shall not be entitled to vote.

building or structure, or repainting of exterior surfaces, remodeling or repair, alteration, addition to or demolition of any existing building or structure within the Planned District or any building which is relocated into the Planned District. Said application shall include the following:

a. A deposit as indicated on the current fee schedule maintained in the Planning Department shall be paid when application is made for any Planned District Permit.

b. All submittals shall illustrate the following:

(1) The purpose for which the proposed building, structure or improvement is intended to be used;

(2) Site plans, floor plans, elevations and sections including datum points indicating preexisting natural grade and measurements indicating dwelling unit density, number of bedrooms (floor plan), lot area, lot coverage, floor area ratio, setbacks, height (elevations), off-street parking and landscaping;

(3) Site plans, floor plans, elevations and sections including datum points and measurements, photos and samples, for the building and improvements which show the exterior appearance, color and texture of materials, and architectural design of all exterior features, and the relationship to adjacent structures;

f. All officers of the City shall cooperate with the Board and render all reasonable assistance to it.

g. The Board shall render a report annually on December 1, or on request, to the Mayor and to the Old Town Community Planning Committee.

2. Powers and Duties

a. It is the duty of the Board to advise the Planning Director on architectural design for development projects in compliance with the regulations and procedures contained within Division 2 of this Article in the manner prescribed herein; to recommend to the Planning Commission any changes to the development regulations contained herein, provided such changes are necessary for the proper execution of the adopted plan, and to adopt rules of procedure to supplement those contained within Division 2 of this Article.

b. The Board may recommend that the Planning Director approve, modify, or disapprove any application for a permit based upon its condition of compliance or noncompliance with the adopted regulations and approved standards and criteria.

c. Board members shall view the site before rendering a decision.

C. PROJECT REVIEW ADMINISTRATION

1. Application

Application shall be made to the Planning Director prior to commencement of any work in the erection of any new

(4) Site plans, elevations and sections, including datum points and measurements for any outbuilding, party walls, courtyards, fences, setbacks, signs, lighting, traffic safety, or other dependency thereof; and

(5) Any other information deemed necessary by the Director, Board, and Building Inspection Director to evaluate the project for compliance with the regulations contained herein and other applicable laws and regulations.

2. Planning Director Review

a. All permit or license applications, including public projects within the District shall be referred to the Director prior to application for permits. The Director may approve, modify or disapprove any applications after receiving the recommendations or comments from the Board. The Director, without referring the project to the Board, may administratively approve signs, reroofing, repainting of exterior surfaces and any addition to or alteration of any structure which the Director determines to be minor in scope. (Minor in scope shall constitute an addition or alteration of 20 percent or less providing the Director can conclude that the application conforms to all regulations contained herein.) The Director may also in his discretion refer such applications to the Board for their recommendation. All other applications

shall be subject to public notice and shall be referred to the Board for their review and recommendation.

b. Within 60 days after the submission of a complete application to the Building Inspection Department or the Engineering and Development Department, which shall include completed environmental review, the Planning Director shall send his/her decision in writing to the Director of the Building Inspection Department or the Director of the Engineering and Development Department with the application and documents, except when the applicant requests and receives approval from the Planning Director for an extension of time.

c. Issuances: After the Planning Director approves the application and the Building Inspection Department or the Engineering and Development Department finds that the application conforms to all other applicable regulations and ordinances of the City of San Diego, the permit for the work shall then be issued. Prior to issuance of the certificate of occupancy or the final inspection, the Planning Director shall also conduct a site inspection.

D. PERMIT TIME LIMITS

1. No building permits shall be issued for any projects for which a building permit is not on file within 180 days from the effective date of this ordinance, for projects which received an approval from the Old Town San

Diego Planned District Review Board, or City Council on appeal prior to the effective date of this ordinance.

Written notice of the content of this provision shall be given within 60 days of the effective date of this ordinance to all permittees to which this provision applies.

2. Any permit granted by the Planning Director after the effective date of this ordinance shall be conditioned upon making application for building permit within 180 days from the date of issuance of said permit. Failure to commence construction within the time period specified in the Building Code will automatically void the Planning Director's permit and require resubmittal to the Planning Director unless an extension of time has been granted by the Director as set forth in Paragraph D.3. of this section. Construction must actually be commenced within the time period provided in the building code and must be diligently pursued to completion. If the City should find that there has been no substantial construction since the date of issuance of said permit, or there has been during the course of work a lapse of work exceeding six months, the permit shall void.

3. Extension of Time to a Valid Permit. The Planning Director may grant a maximum of one extension of time for 180 days on the time limit contained in a currently valid permit. To initiate the request for the extension of time, the property owner or owners shall file a written request with the Planning Department 30 days prior to the expiration of the permit. The Director may grant the extension of time if both of the following requirements are met:

a. The applicant submits documentation showing that due to unusual economic hardship or processing delays beyond his/her control, necessary permits could not be obtained, therefore, the permit option could not be exercised in a timely fashion; and

b. Development and community conditions have not changed, so that the prior approval is still consistent with now existing conditions.

The Director shall notify the Board and the Old Town Community Planning Committee of any extension of time requests. Any request that may be affected by changed conditions, shall be brought to the attention of the Board for recommendation.

E. PUBLIC NOTICE

Any meeting of the Board shall be noticed in accordance within Division 2 of this Chapter. The Director shall render a decision at these noticed meetings or within a time period specified at said meeting.

F. APPEALS

Any interested person may appeal the decision of the Planning Director to the Planning Commission and the City Council. The appeal shall be filed in accordance with the provisions of Sections 101.0230 and 101.0250 of this Code.

G. NONCONFORMING USES

The determination and regulation of nonconforming uses within the District shall be consistent with provisions of Sections 101.0301 through 101.0303 of this Code.

SEC. 103.0203 SPECIAL PERMITS

The following types of development are unique in their complexity and therefore require special review and consideration by the Planning Director and the Board.

A. PUBLIC FACILITIES, STRUCTURES AND AREAS

All open spaces, streets, sidewalks, street furniture, street signs, lighting installations, and any incidental structures or monuments, shall conform to the intent of Division 2 of this Article which is designed to recreate the history of the character of Old Town San Diego in general accord with the period prior to 1871 and shall be subject to the same regulations, conditions and standards established herein, and shall be reviewed by the Director and the Board for their recommendation.

B. HISTORIC AND ARCHITECTURALLY SIGNIFICANT STRUCTURES

The provisions contained herein are intended to permit and encourage in Old Town San Diego the preservation and restoration of buildings, structures and sites having historic, archaeological, or architectural value for the benefit of the people of San Diego, the State of California and all those interested in the record of the progress of western civilization. Such structures shall be designated Historic Sites in the City of San Diego.

1. Relocation of Historic Buildings

Designated historical structures of the City of San Diego may be relocated into the Old Town San Diego area. Upon receipt of an application for permit to relocate such a building, the Building Inspection Director shall refer the application to the Historical Site Board for review as provided in Section 103.0202. Any building approved for relocation into the District by the Historical Site Board shall be referred to the Director for approval and the Board for review.

2. Exceptions

a. The Director may grant an exception to any development regulation within Division 2 of this Article including permitted uses, and parking regulations only when such exception is necessary to permit the preservation or restoration of a designated historic or architecturally significant building, structure or site. Such exception shall be subject to the following conditions:

(1) The subject building, structure or site must be a designated historical site.

(2) The proposed exception shall be referred to the Historical Site Board for a report and recommendation.

b. In granting an exception, the Director shall find that the exception is necessary to permit the preservation or restoration of a designated historical

site; that strict application of the provisions contained within Division 2 of this Article would result in economic or other practical difficulties in securing the preservation or restoration of a designated historical site; and that the granting of an exception will not be injurious to the community or detrimental to the public welfare; and, the Historical Site Board and the Old Town San Diego Design Review Board have made consistent recommendations for granting the exception.

c. In granting any exception the Director shall make a written finding specifying facts relied upon in rendering its decision. A copy of this written finding, together with all evidence presented, including plans required elsewhere in Division 2 of this Article shall be filed with the Director's decision in the Office of the City Clerk, the Department of Building Inspection and the Planning Department. The decision shall be subject to appeal by any interested person in the manner as provided herein.

3. Historical Site Board Review

Any application to remodel, restore, alter or move a designated historical site shall first be referred to the Historical Site Board for review pursuant to Section 26.02.E. of this Code.

4. Removal of Damaged Historic Structures

In the event any designated historical site shall be damaged by earthquake, fire or act of God, and a permit for

demolition or removal of the property is applied for, the permit shall be referred to the Historical Site Board pursuant to Section 26.02.E. of this Code unless an emergency condition exists in which a specified action must be taken based on factual circumstances.

C. ARCHAEOLOGICAL AND HISTORICAL SITE PRESERVATION

A special permit shall be required for those projects where an archaeological site has been identified. Efforts should be made to preserve the site for public view; this preservation (total or partial) shall be a part of the special permit proposal.

The Historical Site Board shall review the application and provide information to the Planning Director on the site's historical or archaeological significance and methods to preserve or commemorate the site. The exemptions for historic buildings shall be also applicable, where appropriate, to these projects.

D. CONDITIONAL USE PERMITS, VARIANCES AND OTHER PERMITS

Any use allowable under a Conditional Use Permit or any other permits specified in Chapter X of this Code shall be subject to a special permit. The development standards shall be as specified in this Division and the "Standards and Criteria."

E. SIDEWALK CAFES AND PUSHCARTS

A special permit shall be required for these activities in accordance with Sections 101.0550 and 101.0560 and the provisions of this Division.

F. PUBLIC PARKING SUBAREAS

A special permit shall be required for any project within the public parking subarea in order to assure consistency with the intent of the neighboring subareas, the overall goals of the District and consistency with the Community Plan. For a public parking facility, the permit should be consistent with the following guidelines:

1. The maximum building coverage should not exceed 80%.
2. A minimum number of 1000 parking spaces should be provided.
3. The maximum height of building should not exceed 26 feet.
4. Landscaping:
 - a. Fifteen-foot fully landscaped street yards should be provided.
 - b. Interior landscaping: 10% of the structure should be landscaped and open to the sky. Landscaped areas should be generally located in the center of the structure adjacent to auto and pedestrian access, to provide visual and environmental relief.
 - c. Rooftop landscaping: The rooftop perimeter should be lined with a two-foot minimum wide landscaped strip.
5. Supportive Uses:

The special permit shall assure that only the following uses be permitted on the public property sites identified (as identified on Map C-289.5).

PARCEL A/School Use (Congress/Ampudia):

School (K-9), and playground activities are permitted uses.

Location of school/playground uses either as primary or incidental shall be required on this site. These may be located on grade or on top of the parking structure. If located on grade, school buildings should be located on the high elevation of the site. Any new school building facility shall be designed to replicate historical public structures of the pre-1871 period.

PARCEL B/Transit Use (Congress/Taylor):

A transit center, with related transit support retail and offices may be permitted, provided that these support retail and office uses shall not exceed an area of 10 percent of the site, nor shall any one establishment exceed 700 square feet.

The building setback shall be a minimum of 50 feet from Taylor Street property line, of this, a 30-foot landscaped strip adjacent to the property line shall be maintained along Taylor Street.

PARCEL C/Transit Use (Rosecrans/Gaines):

Sports fields and playgrounds are encouraged to develop adjacent to or on the roof of parking structures, to replace facilities in other areas of the Old Town San Diego Community Plan.

A transit center, with related transit support retail and offices may be permitted, provided that these support

retail and office uses shall not exceed an area of 10 percent of the site, nor shall any one establishment exceed 700 square feet.

PARCEL D/Parking (Juan/Harney):

Surface parking shall be maintained consistent with the standards for surface parking lots incorporated in this Division.

SEC. 103.0204 PERMITTED USES

A. PURPOSE AND INTENT

It is the purpose of this section to specify certain groupings of uses to be encouraged or emphasized based on each subareas physical, historical, and functional conditions.

Similarly, the following types of uses are not considered compatible with the development goals of Old Town San Diego and are therefore not permitted: auto parts stores, auto repair garages, new or used auto sales, auto service stations, auto or trailer parks, boat sales, contractors yards, drive in or through facilities, factories, hospitals, printing plants, lumber yards, machine shops, mortuaries, warehouses and wholesale distributors.

B. SUBAREAS

In the following subareas, no building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except for one or more of the following purposes:

1. Single Family

One single-family residence for each lot at a density of one dwelling unit per 5,000 square feet, provided there is no more than one dwelling unit per lot.

2. Multi-family

Dwelling units at a density of one dwelling unit per 1,750 square feet of net lot area.

3. Core

a. The following uses are permitted provided the ground floor area of any one establishment does not exceed 6,000 square feet:

(1) Antique shops.

(2) Art stores, art galleries and incidental art studios.

(3) Barber and beauty shops.

(4) Banks (drive-in or drive-thru prohibited).

(5) Bicycle shops with incidental repair permitted.

(6) Confectionary and bake shops.

(7) Clothing stores, dress shops and haberdasheries.

(8) Custom shops for curtains, draperies, floor covering and upholstery.

(9) Drug stores.

(10) Dry cleaning and laundry services.

- (11) Florists (incidental outdoor display permitted).
- (12) Food market (incidental outdoor display permitted).
- (13) General and variety stores and gift shops.
- (14) Handicraft shops, including woodcraft, leathercraft and metalcraft.
- (15) Hardware stores.
- (16) Home furnishing shops and interior design studios.
- (17) Import shops.
- (18) Jewelry stores.
- (19) Liquor stores.
- (20) Locksmith.
- (21) Museums.
- (22) Music stores.
- (23) Pet shops.
- (24) Photographic studios and shops and picture frame shops.
- (25) Restaurants, sidewalk cafes, bars, coffee houses, ice cream parlors and snack bars (incidental outdoor seating and live entertainment are permitted, drive-in or drive-through establishments are prohibited).
- (26) Shoe sales and repair shops.
- (27) Sporting good stores.

(28) Stationers book stores (excluding adult book stores), newspaper and magazine shops.

(29) Tailors and dressmakers.

(30) Theaters - (excluding adult entertainment).

(31) Tobacco shops.

(32) Travel agencies, ticket agencies, and telegraph offices.

(33) Wineries.

b. The following uses are permitted provided that they do not occupy ground floor frontage and are located above or behind a permitted use designated in paragraph 3.a. of this section:

(1) Dwelling units at a density of 1 unit per 1,750 square feet of net lot area.

(2) Boarding and lodging houses provided that there are not more than two lodgers per dwelling unit.

(3) Offices, provided each establishment does not exceed 2,000 square feet in size.

(4) Art, drama, music, dancing and language schools

4. Jefferson

a. Any use permitted in the "Core", provided however, that any commercial or office use may only be located on the ground floor.

b. No commercial and office permitted use shall begin operating business prior to 6:00 a.m. nor continue later than midnight of any day.

c. Dwelling units at a density of unit per 1,750 square feet of net lot area.

5. Hortensia

a. Any use permitted in the "Rosecrans" subarea.

b. Dwelling units at a density of one unit per 1,750 square feet of net lot area.

6. Rosecrans

a. Hotels and motels, provided they do not exceed a density of 80 guest rooms per net acre.

b. Offices, provided each use establishment does not exceed 4,000 square feet in size.

c. Business services customarily catering to hotel and motel guest and office users, provided such accessory uses shall be located in the same complex as the hotel or motel or office and provided the combined gross floor area of all accessory uses shall not exceed 25 percent of the gross floor area of all uses on the premises. These accessory uses may include sales of newspapers and magazines, barber and beauty shops, florists and gift shops, agencies for laundering and dry cleaning, travel and car rental agencies and ticket sales.

d. Restaurants (accessory bar and incidental entertainment and dancing permitted).

- e. Theaters (excluding adult entertainment).
- f. Cultural centers (including museums and libraries).
- g. Meeting halls.

C. CLASSIFICATION OF USE

Any other use which the Planning Commission may find to be similar in character to the uses, including accessory uses, enumerated in this Section, and consistent with the purpose and intent of the Old Town San Diego Planned District. The adopted resolution embodying such finding shall be filed in the Office of the City Clerk.

SEC. 103.0205 PROPERTY DEVELOPMENT REGULATIONS

A. LOT AREA

1. No building or portion thereof shall be erected, constructed, established, altered, enlarged, nor shall any premises be used unless the lot has a minimum area of 3,000 square feet. An exception shall be for any lot which qualifies under the definition of a lot as set forth in the Code and which does not comply with the minimum lot area specified herein may nevertheless be used as permitted and other regulated by the provisions of this Division.

2. The maximum lot area permitted shall be 5,000 square feet. The only subarea excepted from this regulation shall be the Rosecrans subarea.

B. FLOOR AREA RATIO (FAR) AND COVERAGE

<u>Subarea</u>	<u>FAR</u>	<u>Coverage</u>
Single Family	.60	--
Multi-family, Hortensia Jefferson, Core	.60	60%
Rosecrans	1.00	60%

C. MAXIMUM BUILDING SIZE

No single structure, above preexisting natural grade, shall exceed the following sizes:

One story - 6,000 square feet
Two story - 8,000 square feet
Three story - 10,000 square feet

Except within the Rosecrans subarea, which shall be:

One story - 12,000 square feet
Two story - 16,000 square feet
Three story - 20,000 square feet

D. SEPARATION BETWEEN BUILDINGS

A minimum separation of six feet shall be required between the development's exterior building walls, when separate buildings are proposed for any one project. If both buildings are greater than one-story an additional three-foot separation shall be required.

E. HEIGHT

Height of the building, at any point on the subject property shall not exceed the height specified below, when measured vertically from preexisting natural grade to the highest point of the structure, at any point on the site.

<u>Subarea</u>	<u>Height (linear feet)</u>
Single Family, Multiple Family	30
Rosecrans	30 (a)
Jefferson, Hortensia	30 (a) (b)
Core	24 (a)

(a) An additional six feet in height is permitted for uninhabitable space necessary for a pitched roof, towers, or other architectural appurtenances, provided however, that the additional area of height does not exceed 10 percent of the total building footprint, measured in plan view.

(b) No more than 25% of the site area, measured in plan view, may be covered by building which exceeds 26 feet in height.

F. YARD AND SETBACKS

<u>Subarea</u>	<u>Front</u>	<u>Street Yard</u>	<u>(a) (b)</u>	<u>Side (c) (d) and Rear (d)</u>
Single Family -	15'	10'		4'
Multiple Family-	5'	15'	1 story 5', 2 story 10', 3 story 15'	4'
Rosecrans-	15'	20'	1 story 5', 2 story 10', 3 story 15'	
Jefferson-				
Hortensia	10'	20'	1 story 5', 2 story 10', 3 story 15'	
Core-	0	0	1 story 5', 2 story 10', 3 story 15'	

(a) Street Yard Defined: As per Section 101.0703, paragraphs B. through D., the street yard is that area of a lot which lies between the property line abutting a dedicated public street and the street wall line. The street wall line is drawn along the first building wall that parallels the street frontage. The street yard area is calculated by multiplying the street frontage times the linear foot requirement specified herein (see Figure 1).

(b) Additional Corridor Front Yard: From property lines which abut the following streets the following front yard requirement shall prevail:

Taylor - 30 feet.

Juan (between Taylor and Witherby) - 15 feet.

Congress (between the railroad tracks and Old Town Avenue) - 10 feet
Old Town Avenue (between San Diego Avenue and I-5) - 15 feet.

(c) Side Yard Exemption: For properties 50 feet or less in width the side yard requirement, shall be: one-story - 3 feet, two-story - 6 feet, three-story - 9 feet.

(d) Parking: In the side and rear yards, parking shall be permitted provided a five-foot-wide landscaped area separation is provided between the property line and the parking area.

(e) Street Wall Continuity: Along the minimum setback, paralleling the public right-of-way, 65 percent of this area shall be building wall.

G. ARCHAEOLOGICAL AND HISTORICAL SITE REVIEW AND DESIGNATION

Archaeological review by an archaeologist certified by the Society of Professional Archaeologists or equivalent acceptable to the Director shall be required for any project which disturbs the ground.

For any site that is identified as having archaeological or recorded evidence of a preexisting historical structure, settlement or event, an application shall be made to the Historical Site Board for designation and to the Board for determination on an acceptable manner of commemorating the historical value of the site. This might include a reconstruction if adequate plans remain, a partial reconstruction or monument.

H. HILLSIDES/BLUFFS

No building shall be located on an existing grade 30 percent or greater. Hillsides 30 percent or greater in slope shall not be disturbed by construction nor obstructed by building, within 15 feet of the toe of the slope, of more than 20 feet in height (as shown in Figure 2). Development on slopes between 25 and 30 percent may be permitted consistent with the City-wide Hillside Review Guidelines.

SEC. 103.0206 LANDSCAPING

A. Those regulations specified in Division 7, Chapter X of this Code shall apply with the following exception:

1. 100 percent of the street yard shall be required to be landscaped with the exception of approved areas for vehicular ingress and egress.

2. Rosecrans Zone-40 percent of the property shall be landscaped. Vegetation should include riparian species as specified in the "Standards and Criteria."

B. Parking: All surface parking areas, both the perimeter and the interior, shall be landscaped consistent with Division 7, Chapter X of this Code.

C. Hillsides/Bluffs: All bluffs, defined as areas of 30 percent and greater slope, shall be revegetated with native vegetation. All 25 percent hillsides shall be revegetated. A 10-foot-wide fire break area shall be provided adjacent to any structure with fire resistant native vegetation. Said fire break area shall not encroach on the bluffs as defined.

D. The plant materials shall be as specified in the "Standards and Criteria."

E. Planning Director approval must be obtained for removal of all trees over 50 feet tall and/or over 50 years old.

SEC. 103.0207 PARKING

Off-street parking spaces and facilities required in any area shall be provided before the use requiring such parking facilities commences to operate and shall be maintained in good

condition so long as the use for which it is provided exists. The provisions of Division 8 of Chapter X, Article 1 shall apply within the District where conflict may exist between Division and this section, the provisions of this section shall prevail.

A. REQUIRED SPACES

Every premises used for one or more of the permitted uses shall be provided with a minimum of permanently maintained off street parking spaces in a parking area on the same premises as follows:

1. For residential projects with less than 50 percent of the units containing two or more bedrooms: 1.3 spaces shall be provided for each dwelling unit containing one bedroom or less and 1.6 spaces shall be provided for each dwelling unit containing two and more bedrooms. An alternative is permitted for projects with 50 percent or more with two or more bedroom units, where 1.0 spaces may be provided for each one or less bedroom unit and 2.0 spaces shall be provided for each two or more bedroom unit.

2. For hotels and motels: one parking space for each guest room or suite. One parking space for each 10 guest rooms shall be designated for employees. Conference facilities require one parking space for every 250 square feet.

3. For private clubs and similar establishments: one parking space for each guest room and elsewhere to be as specified for meeting halls.

4. For theaters, churches and meeting halls: one parking space for each three fixed seats, or one space for each 21 square feet of floor area where there are no fixed seats.

5. For offices and commercial retail sales and restaurant establishments: one parking space for each 250 square feet of gross floor area.

6. For all other permitted uses: one parking space for each 400 square feet of gross floor area.

7. The off-street parking requirements for two or more uses on the same premises shall be the sum of the requirements for each use computed separately, unless otherwise specified.

B. PARKING REQUIREMENT EXEMPTIONS

1. San Diego Avenue

Any property which has frontage on San Diego Avenue and does not have secondary street access and shall not provide parking on-site.

2. Small Lots

Lots of 6,250 square feet or less shall be exempt from any parking requirements.

C. EXISTING PARKING

Notwithstanding any other provisions of this Division, existing off-street parking facilities in any area which were provided on the same premises and maintained before the adoption of this ordinance and which serve a use now requiring off-street parking shall not be reduced in number, dimension or any other manner below the requirements of the use.

D. REHABILITATION AND ADDITIONS

Whenever an existing building is rehabilitated or enlarged, there shall be provided concurrently with such enlargement a minimum of twice the number of parking spaces as would be necessitated by the magnitude of said enlargement, provided, however, the total of the existing parking spaces and those required by this paragraph need not exceed the number of parking spaces required for the enlarged development computed at the rate provided in the Municipal Code. Tandem parking spaces may be permitted to satisfy this requirement.

E. ACCESS

All required parking facilities shall have convenient access to a public street or alley. Driveways shall be perpendicular to the street and shall not exceed a width of 12 feet for projects with less than six residential units or 16 feet, for all other projects, to be measured at the property line and there shall be no less than 75 feet of lot frontage, measured at the property line, between driveways serving the same premises.

F. PARKING IMPROVEMENT AREA OR IN-LIEU FEES

1. If a parking improvement area is formed in accordance with Chapter VI, Article 1, Division 18 of this Code, the number of off-street parking spaces required for properties within the parking and business improvement area shall decrease commensurate with the project's participation in the improvement program:

2. In-lieu fees for the provision of parking may be levied at a future date, in conjunction with a Parking

Improvement Program assessment. The incorporation of this program will be subject to the future approval by the City Council. The option of using this in-lieu fee program shall not be available until the program's details are approved by the City Council in conjunction with the establishment of a parking improvement program.

SEC. 103.0208 SPECIFIC ARCHITECTURAL CONTROLS

In addition to the other regulations contained herein the following specific architectural control regulations shall apply in order to insure the development of the distinctive character and atmosphere of Old Town San Diego prior to 1871:

A. ARCHITECTURAL STYLES/HISTORIC PERIOD

The accepted architectural styles and historic periods, as specified in the "Standards and Criteria," are pre-1871 Spanish, Mexican and American. Spanish style uses adobe materials and structure with tiled roofs. Mexican style uses adobe bearing walls with tile roofs and shingle roof coverings. American style is wood structure throughout. All new development shall conform to the requirements, as illustrated "Standards and Criteria" of these styles.

Eclectic designs borrowing from different styles are not acceptable, unless a clear historical precedent in Old Town San Diego can be documented.

B. FORMS, MATERIALS, TEXTURES AND COLORS

To assure that each structure in the District shall reflect the appearance of structures built or remodeled during the

historic period, forms, materials textures and colors of structures shall be in general accord with the appearance of structures built in Old Town San Diego prior to 1871. To this end, they shall be in general accord with the designs prevailing during the recognized Old Town San Diego historical periods as described in the "Standards and Criteria."

Any change to a structures form, material, texture or color shall be reviewed by the Director and/or the Board.

C. COURTYARDS

On any lot with a street frontage greater than 75 linear feet, a courtyard with a minimum dimension of 20 feet shall be required. Said courtyard may be located in the center of the project and/or between two or more buildings. Entrances to the courtyard from the public right-of-way shall not be less than 10 feet in width and 20 feet in height or open to the sky.

D. FENCES AND WALLS

1. Design

Fences, as defined in Section 101.0620, shall be designed in accordance with the "Standards and Criteria" and must be reviewed by the Director. Fence materials shall be wood, adobe, masonry, or forged iron.

2. Residential Buffer

A six-foot fence shall be required on any property line abutting a residential property, with the exception of the front and street yards.

E. TRANSPARENCY

A minimum percentage (20 percent for residential projects, 40 percent for commercial) of any building wall abutting a dedicated public street, shall be transparent, either by open archways and/or windows of a light transmittance no less than 40 percent.

SEC. 103.0209 SIGNS

A. STANDARDS AND CRITERIA

The structure, content, lettering, location, size, number, illumination, color, projection and other characteristics of all signs, public and private, in the Old San Diego Planned District shall be subject to the "Standards and Criteria." The purpose being that signs are to be clearly subordinate to the building design.

B. SIZES

1. Identification Signs

a. Signs are permitted on the faces of each business establishment provided that no such sign shall project above the nearest parapet or eave of the building and signs parallel to the face of a building shall not project more than twelve (12) inches from the building to which the signs are attached.

b. One identification sign shall be permitted on the front or primary face of a business establishment. Said sign shall not exceed one square foot for each linear foot of frontage or twenty-four (24) square feet,

whichever is smaller, provided that said sign need not be less than ten (10) square feet in area.

c. One identification sign on the side or rear wall of an establishment shall not exceed sixteen (16) square feet or one-half- (1/2) square-foot for each linear foot of street or dedicated walkway frontage along those walls, whichever is smaller, provided that said sign need not be less than eight (8) square feet in area.

d. One (1) perpendicular (30° or greater) projecting and/or hanging trade identification sign not to exceed six (6) square feet per side shall be permitted on the front or primary face of each establishment provided however that the sign face is, either designed as a graphic representation of the goods or services provided at the particular establishment, e.g. a boot to advertise a shoe repair shop, or designed to include a graphic presentation on the sign.

e. No free standing or roof top identifications signs shall be permitted with the following exceptions:
1) For establishments located within arcade, court, office building or similar structure not fronting on the public right-of-way, a single free standing sign at the entrance to said court or arcade to identify the establishments within. Maximum height of such signs shall not exceed four (4) feet above average adjacent natural grade and maximum size for identification of

each individual establishment shall not exceed 2.0 square feet for office and 3 square feet for retail.

f. In lieu of a primary identification sign, one freestanding or hanging perpendicular sign, not to exceed six feet in height, with a total surface area on both sides not exceeding one-half the area of the permitted primary identification sign, shall be permitted. Only one such sign shall be permitted per establishment.

2. Directional Signs

a. Directional signs are permitted on the faces of buildings or structures provided that such signs shall not be placed higher than eight (8) feet above the immediately adjacent natural ground level or above the eave line whichever is the lesser.

b. Directional signs are permitted to locate on a separate freestanding ground structure provided that the structure and/or sign affixed to same does not exceed six (6) feet in height above natural grade.

c. Maximum size for any directional sign shall be that which is necessary to convey the necessary information, not to exceed a maximum of four (4) square feet.

d. Total number of signs to be used for this purpose shall not exceed four (4) per establishment.

e. Residence and establishment name signs, occupant's name plates and address numbers are those

signs which, by their nature and working, or lettering identify and locate either the house, establishment, or its occupant, or both. Such signs may include pictorial and decorative designs as well as words and numbers, and may be in any shape or form, but shall not exceed two (2) square-foot in area.

3. Historical Signs

All request for signs not conforming to that permitted by these regulations, shall be accompanied by documentary evidence that signs of such size and advertising such business were in use prior to 1871. Signs must conform in size shape and design, material, coloring, lighting and location to the pre-1871 period. Documentary evidence must be approved by the City of San Diego Historical Site Board.

4. Sign Program

On those properties which have street frontage exceeding 150 linear feet, a comprehensive sign program shall be submitted by the property owner to the Planning Director, and shall be further reviewed by the Board. Size, design and location shall be considered to assure compatibility with the size and location of the development structures and establishments. In no case shall any one establishment be denied an identification sign of the minimum sizes identified in Paragraph 1 of this section, however, larger signs may be permitted if they are in accord with the purpose and intent of this District and the "Standards and Criteria."

C. NONCONFORMING

By January 1, 1989, all signs in the Old Town San Diego Planned District which do not conform to said approved regulations, standards and criteria shall be altered to comply or shall be removed. This provision shall also apply to any changes or additions to the sign regulations of the District.

D. EXTENSION OF TIME

The owner of any sign may apply to the Director for an extension of time in accordance with the City-wide sign regulations, Division 11, Chapter X of this Code.

SEC. 103.0210 STREETScape/ENCROACHMENT PERMITS

No building or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used unless the lot or premises and buildings shall comply with the following requirements and special regulations pertaining to the development and use of the abutting public right-of-way. All development within the public right-of-way shall be consistent with the "Standards and Criteria."

The following Streetscape and Encroachment Permit Standards shall be the basis for project review by the Planning Department and the Engineering and Development Department. Final approval for encroachment permits shall be by the City Engineer based on the Planning Director finding of consistency with this Division.

A. DRIVEWAYS AND CURB CUTS

1. Access requirements shall be consistent with Section 103.0207.E. of this Division.

2. Existing driveways and curb cuts may be maintained except that such driveways shall be limited to one per lot. The applicant shall be required to remove the other driveways and reconstruct the sidewalk and curbs to match the adjacent sidewalk and curb areas.

3. Driveway entrances across the sidewalk right-of-way shall continue the paving pattern utilized in the adjacent sidewalk areas.

4. No building encroachments into the public right-of-way shall be permitted including underground parking garages.

B. SIDEWALKS

1. Minimum Width

All existing and new sidewalks shall maintain or expand their present width and shall also maintain standard sidewalk elevation in relation to curb for the entire distance between the curb and property line. Specific information on alternative sidewalk widths are indicated in the "Standards and Criteria."

2. Clear Path

A minimum clear path (free of obstructions) of eight feet in width in the core, and six feet in width in other commercial subareas shall be maintained at all points within the sidewalk right-of-way. Other clear path widths shall be

maintained as indicated in the "Standards and Criteria." The clear path may be linear, angled or curved provided that the configuration will not impede handicapped access. A clear path of greater than eight feet may be required if necessary to maintain a line of sight essential for traffic or pedestrian safety.

3. Surface Treatment

a. All sidewalks improvements shall be done in Sombrero Buff colored concrete, clay, tile, or brick.

b. Parking materials shall provide an even slip resistant surface at least equal to the city standard broom sweep sidewalk. All grout shall be placed flush with the top of the pavers.

c. Pavement patterns at indicated areas shall be consistent with the guidelines included in the "Standards and Criteria."

C. STREET TREES

1. Existing street trees shall be preserved to maintain the established design character of existing streets. New street trees shall match the species of existing trees, and be taken from the list of historical tree species included in the "Standards and Criteria."

2. Trees shall be planted in the ground, the minimum size of tree at planting shall be 24 inch box or greater. Spacing between trees shall be no greater than 30 feet.

D. STREET FURNITURE

Light standards, benches, and awnings and canopies shall be consistent with the "Standards and Criteria."

E. MAINTENANCE AND REPAIRS

1. All encroachment permits shall require adequate maintenance consistent with City Engineer standards. Except for those improvements which are the responsibility of public utilities, private improvements to the public right-of-way shall be maintained privately until an alternative maintenance program is available.

2. All public improvement utility and repairs and maintenance, undertaken in an sidewalk area shall match existing material and color standards.

F. IN-LIEU FEES

An in-lieu fee program for sidewalk improvement may be incorporated into this Division at a future date. The incorporation of this program will be subject to future approval by City Council of an implementation and funding program for streetscape.

SEC. 103.0211 SPECIAL REGULATIONS

A. OUTDOOR STORAGE

Storage of merchandise, material or equipment shall be permitted only when incidental to a permitted use located on the same premises and shall be completely enclosed with an approved building that consists of walls and a roof. No outdoor storage shall be permitted unless otherwise specified in this Division.

B. MECHANICAL EQUIPMENT

All mechanical equipment such as air conditioning or heating units and meters shall be completely enclosed within a structure so as not to be visible. All manner of enclosure shall be consistent with the design standards as set forth in the "Standards and Criteria."

C. ANTENNAS

Only one exterior receiving antenna per building will be permitted. Any satellite antenna as defined in this Code shall be screened from view and shall be reviewed by the Board and approved by the Director. All manners of screening shall be consistent with the design standards as set forth in the "Standards and Criteria."

D. LIGHTING

All outdoor lighting shall be screened and directed so as not to fall on adjacent properties. All forms of lighting standards shall be consistent with the architectural styles specified in the "Standards and Criteria."

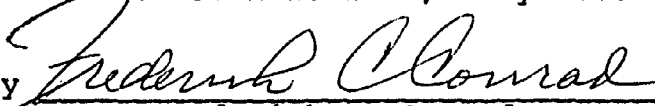
E. REFUSE AREAS

A minimum of 32 square feet of on-site refuse area shall be provided for all commercial projects and residential projects greater than four dwelling units. All refuse areas shall be completely enclosed within a building which shall consist of walls and a gate and shall be consistent with the "Standards and Criteria."

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By



Frederick C. Conrad
Chief Deputy City Attorney

FCC:cc:600

07/01/87

07/10/87 Rev. 1

Or.Dept:Plan.

O-87-259

Form=o.code

Passed and adopted by the Council of The City of San Diego on JUL 20 1987,
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Celia Ballesteros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By Ellen Board, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JUL 7 1987, and on JUL 20 1987.

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By Ellen Board, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-16906 Adopted JUL 20 1987

CORRECTED COPY

#151A



CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO
202 C STREET, 2ND FLOOR
SAN DIEGO, CA 92101
ATTN: ELLEN BOVARD

1987 AUG 7 10 15
SAN DIEGO
CALIF.

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, DIVISION
2, OF THE SAN DIEGO MUNICIPAL CODE

ORDINANCE NUMBER O-16906 (NEW SERIES)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, DIVISION 2, OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTIONS 103.0200 THROUGH 103.0207.5, AND BY ADDING SECTIONS 103.0200 THROUGH 103.0208, RELATING TO THE OLD TOWN SAN DIEGO PLANNED DISTRICT.

This ordinance repeals those sections of the Municipal Code which established the Old San Diego Planned District and enacts a comprehensive revision to the Planned District Ordinance. The ordinance establishes various subareas within the boundaries of the Planned District which provide for permitted uses and development regulations. The ordinance establishes a permit application procedure and provides for appeal from decisions relating to such applications.

A complete copy of the ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.

Introduced on July 7, 1987

Passed and adopted by the Council of The City of San Diego on July 20, 1987

AUTHENTICATED BY: MAUREEN O'CONNOR

Mayor of The City of San Diego, California

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California

By ELLEN BOVARD, Deputy

Pub. August 3

86219

I, THOMAS D. KELLEHER, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER O-16906 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

AUGUST 3

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 3 day of AUG., 1987.

Thomas D. Kelleher
(Signature)

29 lines x .98 = \$56.84
(2 3/4" x 2" x 10.78 = 59.30)